

COASTAL CONSERVANCY

Staff Recommendation  
December 2, 2004

**MARIN COUNTY COASTAL ACCESS EASEMENT SURVEYS**

File No. 04-092  
Project Manager: Joan Cardellino

**RECOMMENDED ACTION:** Authorization for disbursement of up to \$38,000 to Marin County to obtain surveys of eleven public access easements.

**LOCATION:** Tomales Bay, Marin County

**PROGRAM CATEGORY:** Public Access

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**EXHIBITS**

Exhibit 1: Project Location and Site Map

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes a grant of thirty-eight thousand dollars (\$38,000) to Marin County for the purpose of obtaining land surveys of eleven public access easements around Tomales Bay, as shown in Exhibit 1. This authorization is subject to the condition that prior to the disbursement of any funds, the County shall submit for the review and approval of the Executive Officer, a work program and the names and qualifications of any contractors to be employed on the project.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31400 *et seq.* regarding the establishment of a system of public accessways.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.

**PROJECT SUMMARY:**

Staff recommends a grant of \$38,000 to Marin County to pay for the costs of obtaining site surveys of 11 public access easements held by the County. The easements are located along the shoreline of Tomales Bay, and were derived from offers to dedicate public access easements that the County accepted.

Marin County needs to survey these easements in order to determine where the boundaries are. In most cases, the legal descriptions of the easements provided in the Offer to Dedicate (“OTD”) documents are not complete and are inadequate to the task of clearly identifying the boundaries of the easements. By surveying the easements the County can verify whether there are existing encroachments into the easement areas and prevent future encroachments from occurring. The County is also exploring the possibility of developing a shoreline trail through the Inverness community. Depending on location, the easements may be used as a part of that trail. Surveying the easements will assist in that effort.

**Site Description:** Five of the easements in Inverness provide vertical access, and the rest are laterals. See location map, Exhibit 1.

**Project History:** Marin County accepted eight public access OTDs in 2001, and two more in 2002, all of which were located along Tomales Bay, primarily in Inverness. During the acceptance process, when County staff was reviewing the OTD documents, it became evident that the property descriptions and legal descriptions of the easements were inadequate to identify the easement boundaries. County staff discussed the need for site surveys with Coastal Commission staff at that time, and contacted Conservancy staff in September 2004 about the possibility of funding.

**PROJECT FINANCING:**

Coastal Conservancy	\$38,000
<b>Total Project Cost</b>	<b>\$38,000</b>

The anticipated source of Conservancy funding is the fiscal year 2003-2004 appropriation to the Conservancy from the Coastal Access Account. Pursuant to Public Resources Code Section 30620(c), these funds are derived from Coastal Commission permit fees and may be used, as proposed here, for grants by the Conservancy to public agencies “for the development . . . and operation of new or existing facilities that provide access to the shoreline.”

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project is undertaken pursuant to Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31409), which authorizes the Conservancy to award grants to any public agency to operate or manage lands for public access purposes (Section 31400.1). Marin County will use this grant to survey public access easements that it holds in order to develop and open, manage and operate the easements as part of a comprehensive system of local accessways.

**CONSISTENCY WITH CONSERVANCY'S  
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Objective C**, this project will assist in opening to the public 11 access easements derived from OTDs.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** Marin County has accepted 45 OTDs since 1981, which demonstrates a strong commitment to providing public access.
4. **Location:** All of the easements that are the subject of the proposed project are located within the coastal zone of Marin County.
5. **Need:** Without Conservancy funding, Marin County would have to delay obtaining surveys of these 11 easements indefinitely. The County does not have sufficient funding to cover this cost in its current budget. As long as these property interests remain unsurveyed, the risk of encroachments into the easement areas increases, leading to complicated ownership issues and potentially costly remedies.
6. **Greater-than-local interest:** Tomales Bay is a hugely popular visitor destination on the Marin County coast, drawing from the San Francisco Bay Area and northern California. Identifying public access areas along the Tomales Bay shoreline will benefit these regional visitors.

**Additional Criteria**

7. **Urgency:** The County needs to obtain surveys of these easements soon, in order to prevent any new encroachments into the easement areas. The longer the easements remain unsurveyed, the greater the risk of encroachments.
12. **Readiness:** The County would be ready to hire a surveyor and get the work done in January and February, 2005.

**CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

This project is consistent with the Marin County LCP Public Access Policies 1 and 3, which state the County's support of public access and identify specific areas around Tomales Bay where public access should be provided.

**COMPLIANCE WITH CEQA:**

Providing funds for the purpose of obtaining property surveys is categorically exempt from the California Environmental Quality Act, pursuant to 14 Cal. Code of Regulations Section 15306, regarding information collection which does not result in a serious or major disturbance to an environmental resource.